

## **REMARKS**

This Amendment is responsive to the Office Action of September 7, 2005.

Applicant gratefully acknowledges the Examiner's indication of allowable subject matter in Claims 3-9, 11, 12, and 15-23. Applicant has amended certain of the other claims, or has commented on their belief as to allowability, or both, in light of the Examiner's other remarks. Claims 1-14 and 16-24 are now pending.

### **Objection to Claim 1**

Applicant notes that the Examiner has requested that Claim 1 be amended to provide an antecedent basis for the "sends a sensor return signal" phrase in lines 9-10. Applicant has amended an earlier portion of Claim 1 to specify that the sensor is for "producing .... a sensor return signal" and, in standard format, has modified the subsequent language, referenced by the Examiner, to indicate that the sensor "sends [a] the sensor return signal". For the sake of consistency, Applicant has included a similar antecedent structure for the "reflected signal".

Applicant respectfully submits that the foregoing amendments have provided a sufficient antecedent basis for the subject elements.

### **Claim 1 – Applicant's Claimed Invention**

Applicant's amended Claim 1 is directed to an actuation system for a tortilla press as follows:

1. (currently amended) A single sensor actuation system for a driven belt of a tortilla press comprising:

a signal emitting and retrieving sensor producing an emitted signal, retrieving a reflected signal, and sending a sensor return signal;

an AC inverter, the sensor connected to the inverter;

at least one detectable element that is permanently located in a fixed position on the belt and sensed by the sensor when said detectable element is aligned with the emitted signal of the sensor and generates or modifies the reflected signal; and

a platen for pressing tortillas on the belt,

wherein the sensor retrieves a retrieving the reflected signal from said detectable element and sends a sending the sensor return signal to a motor driving the belt to stop driving the belt in response to the retrieving when the at least one detectable element is aligned with the emitted signal of the sensor, and

wherein the AC inverter sends sending a signal to an actuator of the platen to bring the platen down to press a tortilla when the belt has stopped moving.

### **Claims 1, 2, and 10 : Section 103(a) Rejection : Kirkpatrick in view of**

#### **Staples et al.**

The Office Action rejects Claim 1 under 35 USC §103(a) as being unpatentable over Kirkpatrick in view of Staples et al. Applicant respectfully traverses.

The system of Claim 1 detects the presence of the detectable element in order to command the motor to stop driving the belt. Next, relying on the AC inverter, the system detects the complete absence of belt movement, and only then, actuates

the platen downward against the belt. As noted in dependent claim 2, the latter functionality is based on the AC inverter having a switch that closes when the motor goes to 0 Hz.

Applicant's claimed invention relates to an actuation system that uses a detectable element that is permanently located in a fixed position on the belt and a related sensor to "stop driving" the belt (which will eventually stop moving) and then uses a signal from the AC inverter to actuate the press platen downward, against the belt, after the belt has "stopped moving":

the sensor retrieving the reflected signal from said detectable element and sending the sensor return signal to a motor driving the belt to stop driving the belt in response to the retrieving when the at least one detectable element is aligned with the emitted signal of the sensor, and

the AC inverter sending a signal to an actuator of the platen to bring the platen down to press a tortilla when the belt has stopped moving.

Kirkpatrick has a sensor for detecting dough balls on the belt which, of course, are not permanently located in a fixed position on the belt. The sensor 36 is part of the system shown in Figure 8, but Kirkpatrick makes it very clear that the sensor's sole function is to prevent the plate 24 from coming down in the absence of a workpiece:

The signal generated in response to the condition detected is transmitted via electric leads 42 to the processing apparatus control system indicated generally as 43 in FIG. 8 where the signal operates, when the absence of a workpiece is detected, to restrict the downward movement of the press plate 24 so that it is prevented from contacting and thereby causing damage to, the conveyor belt 29

(Col. 4, lines 4-11).

The output of the Kirkpatrick sensor does not stop driving the belt, but rather inhibits the press plate from pressing against the belt in the absence of dough balls (aka "workpieces") on the belt. The Kirkpatrick sensor, in other words, is not used to stop driving the belt as claimed, but instead to inhibit the complete downward stroke of the press plate.

The Kirkpatrick components that stop and start the belt drive and move the press plate up and down are completely unrelated to the sensing of the dough ball. Kirkpatrick discloses mechanical cams, cam-driven switches, and electromechanical solenoids that stop and start the belt. In particular, as shown in Figures 7 and 8 and described at Column 4, lines 29-32, Kirkpatrick references a mechanical cam on the belt drive or roller 30 (the cam is not shown in detail) that, as the roller 30 rotates, operates a limit switch 55 that energizes or de-energizes various timers and solenoids, including a "belt solenoid" 48 that indexes the conveyor belt 29 and a "down solenoid" 44 that drives the plate down

Also, as conceded by the Office Action, Kirkpatrick does not include an AC inverter to bring the plate down when the belt has stopped moving. The Staples et al. includes an AC Inverter 100 in the same system as a Sensor 102, but there is no indication whatsoever that some other component is driven based on the AC Inverter's sending of a signal that the associated motor has stopped moving.

Based on the foregoing, Applicant respectfully submits that amended Claim 1 is allowable over Kirkpatrick and Staples et al., and also over the other references of record. Dependent Claims 2 and 10 are allowable by virtue of their

inclusion of additional patentable limitation and by their dependence from allowable Claim 1.

**Claims 13-14: Section 103(a) Rejection : Kirkpatrick in view of**

**Staples**

Applicant has elected to combine allowable Claim 15 into base Claim 13.

As such, Claims 13-14 are now in condition for allowance.

**Summary**

It now appearing that this case is fully in condition for allowance, Applicants earnestly solicit a notice to that effect. Applicants invite the Examiner to call the undersigned attorney if it appears that a phone conference would further this case in any way.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:  Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450  on  <u>March 7, 2006</u>  by Eric Hoover   _____ Signature  <u>March 7, 2006</u>
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Respectfully submitted,

  
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